

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

JOANNA DETERDING, )  
                          )  
Plaintiff,            )  
                          ) 1:11-CV-13  
v.                     )  
                          ) Collier/Carter  
MICHAEL S. ASTRUE, )  
Commissioner of Social Security, )  
                          )  
Defendants.           )

**ORDER**

Plaintiff Joanna Deterding (“Plaintiff”) filed suit against Michael S. Astrue, Social Security Commissioner (“Defendant”), seeking judicial review of Defendant’s decision denying her a period of disability, disability insurance benefits, and supplemental security income benefits. On February 2, 2012, United States Magistrate Judge William B. Mitchell Carter filed a report and recommendation (“R&R”) in this case, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b) (Court File No. 19). In the R&R, Judge Carter recommended: 1) Plaintiff’s motion for judgment on the pleadings (Court File No. 11) be granted to the extent it seeks remand under Sentence Four of 42 U.S.C. § 405(g); 2) Defendant’s motion for summary judgment (Court File No. 17) be denied; and 3) Defendant’s decision denying benefits be reversed and remanded under 42 U.S.C. § 405(g) in order to (a) further evaluate Plaintiff’s allegations of pain in light of (i) the absence of objective medical or laboratory tests to diagnose Trigeminal Neuralgia or to measure the pain level it causes; and (ii) Plaintiff’s longitudinal history of her treatment for Trigeminal Neuralgia; and (b) further evaluate the weight to be given to Plaintiff’s treating physician, including a clarification of the basis of his disabling opinion. Neither party has objected to the R&R within the given 14 days.

After reviewing the record, this Court agrees with the R&R. The Court hereby **ACCEPTS**

and **ADOPTS** the magistrate judge's findings of fact, conclusions of law, and recommendations. Accordingly, the Court **GRANTS** Plaintiff's motion for judgment on the pleadings (Court File No. 11) to the extent it seeks remand under Sentence Four of 42 U.S.C. § 405(g), and **DENIES** Defendant's motion for summary judgment (Court File No. 17). The Court **REVERSES** Defendant's decision denying Plaintiff benefits pursuant to 42 U.S.C. § 405(g), and **REMANDS** the case to Defendant for review consistent with Judge Carter's R&R (Court File No. 19).

**SO ORDERED.**

**ENTER:**

/s/  
**CURTIS L. COLLIER**  
**CHIEF UNITED STATES DISTRICT JUDGE**